

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	2:96-cr-0259-GEB
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
THEODORE JOHN KACZYNSKI,)	
)	
Defendant.)	
_____)	

Defendant Theodore John Kaczynski ("Kaczynski") filed a "Motion for Substitution of Counsel and Notice of Appeal" on October 25, 2010, which includes his request that a substitution of appointed counsel order issue "on the ground that [he] cannot communicate with [his] present counsel." (ECF No. 780, 1-2.) Kaczynski indicates he is litigating certain matters in the motion pro se. Id. at 1, 5. However, Kaczynski also states in a related filing: "these papers should properly be filed by counsel," and that his appointed counsel is his counsel "[u]nless and until the Court grants the Motion for Substitution of Counsel" (ECF No. 780, 2, 3.)

This is the second motion Kaczynski has filed for substitute appointed counsel in this ancillary return of property matter. Kaczynski's first motion was granted on March 31, 2010, in a "substitution of counsel and order" in which Kaczynski's prior appointed

1 counsel in this matter "concur[red] that appointment of new counsel
2 would be appropriate . . . " (ECF No. 757, 19-20.) In that filing,
3 attorney Erin Radekin agreed to substitute in as Kaczynski's counsel
4 under the Criminal Justice Act. Id. at 22-23. Kaczynski now indicates
5 dissatisfaction with Ms. Radekin's representation of him on certain
6 issues. Kaczynski was also dissatisfied with his first appointed
7 lawyer's representation on certain issues.

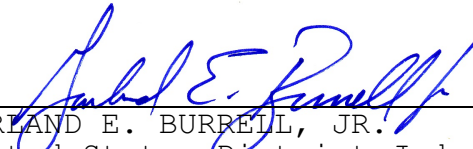
8 Since Ms. Radekin is Kaczynski's second appointed lawyer, she
9 is requested to communicate with the court about Kaczynski's
10 representation assertions. Therefore, Ms. Radekin shall file a written
11 response to Kaczynski's substitution of counsel motion no later than
12 November 8, 2010. The response may be filed under seal.

13 The Clerk of Court shall serve a copy of this order on
14 Kaczynski, addressed as follows:

15 Theodore John Kaczynski
16 04475-046
17 U.S. Penitentiary Max
18 P.O. Box 8500
19 Florence, CO 81226-8500

20 IT IS SO ORDERED.

21 Dated: October 28, 2010

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23 
24 GARLAND E. BURRELL, JR.
25 United States District Judge
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